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Frank Burgel

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7590

08/21/2006

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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,868

Applicant(s)

BURGEL ET AL

Examiner

Jean M. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the request for consideration filed on June 5, 2006, in which claims 1-5 and 11-29 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed June 5, 2006 have been fully considered but they are not persuasive. (See examiner's remark).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 and 11-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word “*substantive*” does not really describe the characteristic of the user input and it does not add any weight to the claimed language. Paragraph [0003] and [0012]) as cited by the Applicant to support the allegation that substantive data is data that embodies the scientific poster content. Paragraph [0003] defines a method and computer system for processing scientific posters over a global network by incorporating user-selected design parameters and user-input substantive data. Paragraph [0012], on the other hand, defines a software application that enables a user to input user-selected design parameters for the

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scientific poster. These two paragraphs have nothing to do with having the data embodies in scientific poster content.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-5 and 11-29 are rejected under 35 U.S.C. 102(e) as being anticipated by George R. Hess (hereinafter “Hess”) article entitled “Creating effective Poster Presentations”.

As to claim 1, Hess discloses a visual communication tool for use in creation of a scientific poster as a tool, which combines a verbal presentation with a visual aid (see page 1, words of caution). Applicants should duly note a scientific poster is a large document that can communicate at a scientific meeting. It is known in the art before the invention was made template files for scientific poster can be found on the internet by conducting a search in Google for “poster template” and then adding the application name to modified the poster template based on the user interest. Using Microsoft PowerPoint, Hess can create a poster presentation. Hess uses an existing poster template, which provided on the website for downloading to create such a scientific poster (see software tools, section 7). Hess provides the use of modifying such existing poster to meet the user interest. Hess discloses the claimed “enabling a user to input user-selected design parameters for a scientific poster”; “generating a sample poster according to the user-selected design parameters and confirming the user-selected design parameters”; “building an

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image of the scientific poster according to the user-selected design parameters and the user-input substantive data”; and “delivering the scientific poster according to a desired delivery process including by posting the scientific poster image on an Internet web page a wherein step (d) is practiced by linking designated files from the user's dedicated vault and wherein when one or more of the designated files is modified. step (d) comprises updating the scientific poster image according to the modified files” by using the existing poster downloading on the website, users to select their own design parameters using the poster templates, wherein each template is a pre-designed, large-format PowerPoint page set to the average conference poster, the templates vary only in shape and color of the user choice. It is noted a template files for scientific posters is found in the internet by conducting a search in Goggle for “poster template” and then adding the application name, PowerPoint that allows to create a poster as a single oversized presentation slide, wherein the posters have stored in the website for future use. Once the template is downloaded from the Internet, such template can be modified based on the user preference. Such teachings are well known in the art as creating a poster Using Ms PowerPoint (see, HSERV 590A: Knowledge management in Health services”

As to claim 2, Hess discloses the claimed “wherein step (a) is practiced by enabling the user to input user-selected design parameters including at least one of poster size, orientation, figure placement, resolution, paper type, and colors” (see section 6, color).

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As to claim 3, Hess discloses the claimed “wherein step (a) is practiced by enabling the user to select a poster size from a plurality of predetermined poster sizes or enabling the user to input a custom poster size”.

As to claim 4, Hess discloses the claimed “wherein step (a) is practiced by providing access to a poster gallery including a plurality of poster samples and enabling the user to input poster design parameters by selecting one of the poster samples” (by having users to selected their own design parameters using the poster templates, wherein each template is a pre-designed, large-format PowerPoint page set to the average conference poster, the templates vary only in shape and color of the user choice (using the software tool to create poster using the existing poster in the Internet, section 6).

As to claim 5, Hess discloses the claimed “between steps (d) and (e), the step of providing the image of the scientific poster to the user for review and effecting any necessary edits according to the user's review” (once the template is downloaded from the internet, such template can be modified based on the user preference, using the software tool to create poster using the existing poster in the Internet, section 6).

As to claim 11, Hess discloses the claimed “enabling password or ID access to the internet web page” in order to conduct a search to Goggle for poster templates, one must be granted access to

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the network, (using the software tool to create poster using the existing poster in the Internet, section 6).

As to claim 12, Hess discloses the claimed “wherein step (e) is practiced by incorporating hyperlinks in the web page that lead to supplementary information” (using the URL link to download poster templates over the internet or by conducting a search in Goggle for “poster templates, using the software tool to create poster using the existing poster in the Internet, section 6).

As to claims 13-15, the limitations of claims 13 and 14 have been mentioned in the rejection of claim 1 above. In addition, As to claim 1, Hess discloses a visual communication tool for use in creation of a scientific poster as a tool, which combines a verbal presentation with a visual aid (see page 1, words of caution). Applicants should duly note a scientific poster is a large document that can communicate at a scientific meeting. It is known in the art before the invention was made template files for scientific poster can be found on the internet by conducting a search in Goggle for “poster template” and then adding the application name to modified the poster template based on the user interest. Using Microsoft PowerPoint, Hess can create a poster presentation. Hess uses an existing poster template, which provided on the website for downloading to create such a scientific poster (see software tools, section 7). Hess provides the use of modifying such existing poster to meet the user interest. Hess discloses the

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claimed “enabling a user to input user-selected design parameters for a scientific poster”;
”generating a sample poster according to the user-selected design parameters and confirming the user-selected design parameters”; “building an image of the scientific poster according to the user-selected design parameters and the user-input substantive data”; and “delivering the scientific poster according to a desired delivery process including by posting the scientific poster image on an Internet web page a wherein step (d) is practiced by linking designated files from the user's dedicated vault and wherein when one or more of the designated files is modified. step (d) comprises updating the scientific poster image according to the modified files” by using the existing poster downloading on the website, users to select their own design parameters using the poster templates, wherein each template is a pre-designed, large-format PowerPoint page set to the average conference poster, the templates vary only in shape and color of the user choice. It is noted a template files for scientific posters is found in the internet by conducting a search in Goggle for “poster template” and then adding the application name, PowerPoint that allows to create a poster as a single oversized presentation slide, wherein the posters have stored in the website for future use. Once the template is downloaded from the Internet, such template can be modified based on the user preference. Such teachings are well known in the art as creating a poster Using Ms PowerPoint (see, HSERV 590A: Knowledge management in Health services”

As to claims 16-20, Hess discloses a visual communication tool for use in creation of a scientific poster as a tool, which combines a verbal presentation with a visual aid (see page 1, words of caution). Applicants should duly note a scientific poster is a large document that can

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communicate at a scientific meeting. It is known in the art before the invention was made template files for scientific poster can be found on the internet by conducting a search in Goggle for "poster template" and then adding the application name to modified the poster template based on the user interest. Using Microsoft PowerPoint, Hess can create a poster presentation. Hess uses an existing poster template, which provided on the website for downloading to create such a scientific poster (see software tools, section 7). Hess provides the use of modifying such existing poster to meet the user interest. Hess discloses the claimed "enabling a user to input user-selected design parameters for a scientific poster"; "generating a sample poster according to the user-selected design parameters and confirming the user-selected design parameters"; "building an image of the scientific poster according to the user-selected design parameters and the user-input substantive data"; and "delivering the scientific poster according to a desired delivery process including by posting the scientific poster image on an Internet web page a wherein step (d) is practiced by linking designated files from the user's dedicated vault and wherein when one or more of the designated files is modified. step (d) comprises updating the scientific poster image according to the modified files" by using the existing poster downloading on the website, users to select their own design parameters using the poster templates, wherein each template is a pre-designed, large-format PowerPoint page set to the average conference poster, the templates vary only in shape and color of the user choice. It is noted a template files for scientific posters is found in the internet by conducting a search in Goggle for "poster template" and then adding the application name, PowerPoint that allows to create a poster as a single oversized presentation slide, wherein the posters have stored in the website for future use. Once the template is downloaded from the Internet, such template can be modified based on the user preference. Such

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teachings are well known in the art as creating a poster Using Ms PowerPoint (see, HSERV 590A: Knowledge management in Health services”

As to claims 21-27, the limitations of claim 21-27 have been noted in the rejection of claims 1-5 and 11-20 above. In addition, As to claim 1, Hess discloses a visual communication tool for use in creation of a scientific poster as a tool, which combines a verbal presentation with a visual aid (see page 1, words of caution). Applicants should duly note a scientific poster is a large document that can communicate at a scientific meeting. It is known in the art before the invention was made template files for scientific poster can be found on the internet by conducting a search in Goggle for “poster template” and then adding the application name to modified the poster template based on the user interest. Using Microsoft PowerPoint, Hess can create a poster presentation. Hess uses an existing poster template, which provided on the website for downloading to create such a scientific poster (see software tools, section 7). Hess provides the use of modifying such existing poster to meet the user interest. Hess discloses the claimed “enabling a user to input user-selected design parameters for a scientific poster”; “generating a sample poster according to the user-selected design parameters and confirming the user-selected design parameters”; “building an image of the scientific poster according to the user-selected design parameters and the user-input substantive data”; and “delivering the scientific poster according to a desired delivery process including by posting the scientific poster image on an Internet web page a wherein step (d) is practiced by linking designated files from the user's dedicated vault and wherein when one or more of the designated files is modified. step

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(d) comprises updating the scientific poster image according to the modified files” by using the existing poster downloading on the website, users to select their own design parameters using the poster templates, wherein each template is a pre-designed, large-format PowerPoint page set to the average conference poster, the templates vary only in shape and color of the user choice. It is noted a template files for scientific posters is found in the internet by conducting a search in Goggle for “poster template” and then adding the application name, PowerPoint that allows to create a poster as a single oversized presentation slide, wherein the posters have stored in the website for future use. Once the template is downloaded from the Internet, such template can be modified based on the user preference. Such teachings are well known in the art as creating a poster Using Ms PowerPoint (see, HSERV 590A: Knowledge management in Health services”

As to claim 29, the limitations of claim 29 have been noted in the rejection of claim 28 above. It is, therefore, rejected under the same rationale.

Remark

7. It is important to note that the invention as claimed is old and well known in the computer system environment, where scientific poster templates are generated and stored in the network for future use. So, the templates files for scientific poster can be found on the internet by conducting a search in Goggle for “poster template”, wherein each template is a pre-designed, large format PowerPoint page set to the average conference poster of any size, which the template’s text can be replaced with user choice by re-typing using PowerPoint.

8. Applicants asserted that a 37 CFR 1.132 is submitted to support that “substantive data” is apparent to one having ordinary skill in the art as data that embodies the scientific poster content, for example background and research information, experience data, result (see paragraph [0003], [0012]). The examiner disagrees with the precedent assertion. Such 1.132 is not been considered as to the merits because it does not provide substantial evidence as to whether the “substantive data” is indeed a data that embodies the scientific poster content. Paragraph [0003] and [0012]) as indicated by the Applicants does not describe that substantive data is data that embodies the scientific poster content. Therefore, it appears that such substantive data is known to one having ordinary skill in the art as a listed of scientific poster content

9. Applicant asserted that Hess article does not in any manner even remotely describe a method or system that processes a scientific poster over the Internet or other global network. The examiner disagrees with the precedent assertion. In response to applicant's arguments, the recitation method or system that processes a scientific poster over the Internet or other global network has not been given patentable weight because the recitation occurs in the preamble. Applicant should duly note a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Applicant is also reminded that a scientific poster is a large document that can communicate a

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research at a scientific meeting, where a user can use one of the best programs, a page layout application for designing large format poster. Those programs can cobble together great poster using graphics packages such as Illustrator, CorelDraw or the like. It is important to note that poster template files for many of the mentioned programs can be found on the Internet via Google. Such poster template is uploaded to a global network or the Internet to assist user to modify such an existing template to design a desired scientific poster. Similarly, the system and method disclosed by the applicant provide a website that is specifically designed to facilitate the production of scientific posters, thereby providing a more efficient and cost effective process for poster generation and production. Such process according to the applicant invention incorporates a software that enables a user to input user-selected design parameters for the scientific poster, wherein the parameters may include poster size, orientation, figure placement, resolution, paper type, colors and the like. Applicant stated that a physical poster is a hard copy printout suitable for conference presentation. Such a poster is the professionally prepared version of the traditional scientific poster. However, an electronic poster (or E-poster) is effected via one or more web pages that can be viewed using a standard Internet browser, depending on the user's wishes, E-posters may have embedded hyperlinks that lead to supplementary information. Therefore, the system of Hess allows user to modify the poster template from the template source based on the user preference. So, such of modification is not updated in the user's already downloaded template but modify based on the user preference. It is important to note that the poster template as disclosed by Hess is similar to the sample poster generated by the Applicant's system. Furthermore, applicant asserted that Hess does not reference any means for storing poster content and there is no reference to processing of edited poster content as disclosed in claims 1, 28 and

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29. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark page 5. Applicants are interpreting the claims very narrow without considering the broad teaching of the references used in the rejection. The aforementioned assertions, wherein the use of storing poster content and processing of edited poster content fails to disclose by Hess with regard to the invention of claims 1, 28 and 29, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. It is important to note, Applicants' assertions are not explicitly stated in neither of the independent claims 1, 28 and 29 nor in the dependent claims. There is no mentioned of storing poster content and processing have edited poster content in the claims. Thus, applicants' assertions are just mere allegation with no supported fact. Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. Applicants cannot rely on the specification to impart to the claims limitations not recited therein. Such reliance is ineffective to define over the prior art. In re Lundberg, 244 F.2d 543, 113 USPQ 530 (CCPA 1957); In re Winklans, 188 USPQ 129 (CCPA 1975). Applicant is further reminded of the clear difference between reading the claims in light of the specification as allowed by 35 U.S.C. 112, 6th paragraph, and by In re Donaldson 29 USPQ2d, 1845, 16 F.3d 1189 (Fed. Cir, 1994), and reading limitations of the specification into the claims In re Prater 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). Moreover, the Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969).

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Applicant asserted that claim 5 defines a step that is performed over a global network. The examiner disagrees with the precedent assertion. Claim 5, actually defines a step of providing the image of the scientific poster to the user for review and effecting any necessary edits according to the user's review. Similarly, Hess, indeed allows user to download a scientific poster over the Internet and modify it based on the user preference. Fig 2 and 3 of the applicant system provides a browser-based system in which a program running on a user's computer requests information from a server program running on a system server, wherein the system server sends the requested data back to the browser program, and the browser program then interprets and displays the data on the user's computer screen.

Applicant asserted that claim 11 references the Internet web page defined in step (e) of claim 1 on which the scientific poster image is stored. It is important to note that the scientific image poster that Applicant is relied upon is nothing more than a scientific poster template stored in the Internet accessible to user. Hess has provided such capability of storing the scientific poster template over the Internet. Such limitation as claimed is well disclosed by Hess. The claimed "drill-down component data from the user" is provided by the PowerPoint program used to design a scientific poster based on the user preference.

Therefore, the rejection in which claims 1-5 and 11-29 are rejected under 35 U.S.C. 102(e) as being anticipated by George R. Hess (hereinafter "Hess") article entitled "Creating effective Poster Presentations" describes all of the elements of the claimed invention so as to have placed a person of ordinary skill in the art in possession thereof. In re Spada, 911 F.2d 705, 708, 15 USPQ 1655, 1658 (Fed. Cir. 1990).

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For the above reasons, it is believed that the rejection under 35 USC 102 with respect to claims 1-5 and 11-29 should be sustained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

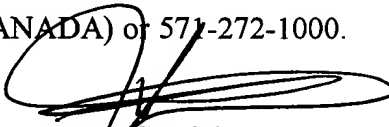
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jean M Corrielus
Primary Examiner
Art Unit 2162

August 16, 2006